UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

| Case No. | **2:24-cv-01733-MCS-DTB** | Date | May 29, 2024 |
|---|---|---|---|
| Title | *Heath v. Keenan & Assocs.* | | |

Present: The Honorable   Mark C. Scarsi, United States District Judge

| Stephen Montes Kerr | Not Reported |
|---|---|
| Deputy Clerk | Court Reporter |

| Attorney(s) Present for Plaintiff(s): | Attorney(s) Present for Defendant(s): |
|---|---|
| None Present | None Present |

**Proceedings:   (IN CHAMBERS) ORDER RE: STIPULATION TO REMAND AND MOTION TO REMAND (ECF NOS. 9, 23) (JS-6)**

The parties stipulate to remand this case to the state superior court from which it was removed. (Stip., ECF No. 23.) But the parties "reserve their respective arguments concerning subject matter jurisdiction and removal." (*Id.* at 2.) "[T]he parties cannot by stipulation or waiver grant or deny federal subject matter jurisdiction." *Janakes v. USPS*, 768 F.2d 1091, 1095 (9th Cir. 1985). The stipulation itself offers no ground upon which the Court may remand the case given Defendant's decision not to concede this Court lacks jurisdiction.

That said, Plaintiff filed a motion to remand based on the home-state controversy exception, (Mot., ECF No. 9), and Defendant's deadline to respond was May 27, 2024, (Order, ECF No. 22). Defendant did not file a timely response and confirms in the stipulation that it agreed not to oppose the motion. (Stip. 2.) Accordingly, the Court deems the motion conceded and declines to exercise jurisdiction over the case for the reasons presented in the motion. 28 U.S.C. § 1332(d)(4); *see* C.D. Cal. R. 7-12; *Christian v. Mattel, Inc.*, 286 F.3d 1118, 1129 (9th Cir. 2002) ("The district court has considerable latitude in managing the parties' motion practice and enforcing local rules that place parameters on briefing.").

Accordingly, the Court denies the stipulation but grants the motion to remand. The Court remands the action to the Los Angeles County Superior Court, No. 24STCV03018. The Court directs the Clerk to effect the remand immediately and close the case.

**IT IS SO ORDERED.**